

COMMITTEE ON DENTAL AUXILIARIES

Minutes – November 3, 2004

Members Present: Shanda Wallace, RDH, Chair; LaDonna Drury-Klein, RDA, Vice Chair; Linda Gipson, RDH, Secretary; Teresita Churchill, RDA; Darla Dale, RDH; Marilyn Hiroto, RDA; Sonia Molina, DDS; Coragene Savio, DDS

Members Absent: Kevin Biggers, Public Member

Staff Present: Karen R. Wyant, Executive Officer; Dyna Leonard, Associate Analyst; Norine Marks, DCA Legal Counsel; Lori Hubble, Staff Analyst, Donna Kantner, Staff

1. Call to Order/ Roll Call/ Establishment of Quorum

Chair Wallace called the meeting to order at 10:45 a.m.; roll was called and a quorum established.

2. Approval of August 18, 2004 Meeting Minutes

Chair Wallace asked for any changes or corrections. Vice Chair Drury-Klein felt that page 3 should read "after review of three proposed options, it was moved to accept proposal 1" for clarity. Member Savio noted that on page 5 she had discussed HIPAA requirements in general, not as referenced. She felt that the two statements should be separated and each one should stand alone. Vice Chair Drury-Klein noted that it is "HIPAA", not "HIPPA".

On page 6, CDA noted that most RDHAPs are not located in shortage designation areas. DCA Legal Counsel Norine Marks was concerned about changing another party's comments without first listening to the meeting audiotape. Cathy Mudge, CDA, noted that she had also attended. Legal Counsel Marks reiterated that without Mr. Hart being here to state that he was misquoted, she is concerned with others doing so. Chair Wallace suggested that approval of the minutes be postponed until the tape could be played.

It was M/S/P (Drury-Klein/Gipson) to incorporate the other approved changes, but to postpone approval of the disputed section of the minutes until the tape could be played.

Member Savio felt that each vote be should be by Roll Call or at least noted who voted in favor or against a motion. Legal Counsel Marks clarified that there is no legal direction to do so and the current policy is to do so only if a COMDA member specifically asks that their vote be recorded for the minutes. Member Savio moved that each vote be by Roll Call. There was no second to the motion.

3. Report of the Chair

Chair Wallace reported that she would be attending the last RDH exam of this cycle this weekend, noting that next year's cycle will add an additional exam in March. Chair Wallace referred to Executive Officer Wyant's handout regarding regulations. Ms. Katherine Demos was introduced as the person who reviews all Board regulations in the Department. Chair Wallace also directed COMDA's attention to the proposed 2005 Calendar.

4. Report of the Executive Officer

Executive Officer Wyant reported that the budget is in good condition, with a new appropriation related to AB 539, and that an additional staff person is being recruited for the first time in over 20 years. She said that staff is currently in the midst of both RDA and RDH exams. She reported that over the last

few weeks a reconstruction of the RDA Written exam has recently been completed. Regarding the 2005 Schedule, she noted the new RDH exam in March and also more sessions of the usual exams are being added in anticipation of dental student applications. She noted that the Dental Board's proposed meeting dates are on the schedule, but if those are changed when the Board meets on Friday she will inform everyone.

Wyant noted that regarding the pit and fissure sealant courses, and an application is being developed for course approval in anticipation of approval of the regulation governing course approvals. Regarding 1072.1, she noted that the Department has some problems with the language and that she will give an update in January. Regarding 1014, changes to Radiation safety courses, Vice Chair Drury-Klein noted that she had spoken with Ms. Demos regarding the two hour teaching methodology course requirement, and asked permission to continue to address that issue. She noted that if the language is changed and a 15-day notice is required, it will come back to COMDA for approval. Legal Counsel Marks noted that it would come back to COMDA for another 15-day notice, since ultimately both COMDA and Dental Board must ratify those changes. Vice Chair Drury-Klein wished to continue to work with Executive Officer Wyant and Ms. Demos on this issue.

Executive Officer Wyant noted that regarding regulatory changes to Sections 1070.4 and 1070.6, the Dental Board's Linda Madden was working on having those regulations heard at the Board's meeting in January. Proposed changes to Section 1086 will be considered today and at the Board's meeting on Friday.

Executive Officer Wyant reported that the regulations governing the definition of Bachelor's Degree for RDHAP licensure, and the requirement that RDHs complete examinations in California Law and Ethics, have been approved and are in effect.

5. Legislation of Interest to COMDA

a. AB539 – 3rd and 4th Year Dental Students applying for RDH licensure

Executive Officer Wyant noted that AB539 has been signed by the Governor, allowing 3rd and 4th year dental students to sit for the RDH clinical exam. She reported that this bill has been funded and allows for a new position. Joan Greenfield, educator, Sacramento City College, asked if there had been clarification on whether they must do Soft Tissue Curettage, Local Anesthesia, and Administration of Nitrous Oxide courses prior to examination. Wyant noted that each Dental School must apply for approval of such courses, or the students must take a currently approved course in each function.

b. SB 136 – Mandatory Courses for RDAs

Executive Officer Wyant reported that this bill was signed by the Governor to extend the deadline for the requirement that all RDA licensees have certification in Coronal Polishing and Radiation Safety to Jan 1, 2006, and that the requirement will only apply to inactive licensees when they apply to re-activate their licenses. She reported that to date 9,663 current RDA licensees have still not completed one or both of these requirements, and 5,600 inactive licensees have not done so.

c. SB 1546 – Dental Assisting Scopes of Practice

Executive Officer Wyant reported that this bill was signed by the Governor and most of its provisions will take effect 1/1/07, noting that further on in the agenda there will be more discussions.

6. Review of RDA Educational Programs and Courses/ Recommendations to the Board

Chair Wallace noted that the Subcommittee recommends provisional approval of the RDA educational program given by Tri Cities ROP in Whittier, as well as full approval of the ultrasonic scaling courses given by Concorde Career Institute in San Diego, North Hollywood, San Bernardino and Garden Grove

and the coronal polishing course given by Dental Advantage in Newhall. It was M/S/P (Drury-Klein/Dale) to recommend approval to the Board of Tri Cities course on a provisional basis. It was M/S/P (Drury-Klein/ Gipson) to recommend approval to the Board of all the Coronal polishing courses and Ultrasonic Scaling courses as listed.

7. Proposal to Establish Educational Program Quality Assurance Subcommittee

Vice Chair Drury-Klein reported that the goal and objective of this item is to, particularly with the advent of SB 1546, assess and evaluate programs and course providers utilizing volunteer educators. She noted that with the probable inactivity of the RDA Written and Practical Exam subcommittees, this would be a new subcommittee charged with establishing protocols and procedures, and maintaining intensive educational requirements while ensuring that all provisions are clearly defined in the language and not subject to interpretation by educators, course providers or staff.

She wished to work with the Chair and Executive Officer to establish a team of educators and ultimately evaluation criteria and the requirements and a time period that is more conducive to review of both existing and new programs. It was M/S (Drury-Klein/Gipson) that she and Chair Wallace work with the Executive Officer to establish a development team of educators to make a comprehensive report with regard to education assessment subcommittees in January.

Member Molina asked what is to be accomplished by this committee. Vice Chair Drury-Klein responded that the goal is to make the current process more efficient and effective, noting that with the passage of SB 1546 COMDA must have an appropriate set of educators in place to assess and evaluate educational programs. Executive Officer Wyant noted that currently 7 educators throughout the state and the educational program coordinator, Associate Analyst Dyna Leonard, perform this function.

Member Churchill asked if those on the job trained would still be able to be licensed under SB1546. Executive Officer Wyant noted that in full implementation, the next step is elimination of licensing of on-the-job trained dental assistants unless they have attended a Board-approved course. Vice Chair Drury-Klein indicated that this Subcommittee would be developing an assessment and evaluation system that would work for the implementation of SB 1546.

Legal Counsel Marks asked if this would be a new committee or the existing committee, noting that any meeting of 3 or more must be noticed. Vice Chair Drury-Klein clarified that this would be she and Chair Wallace as a Subcommittee of two using educational consultants to develop a plan and report back to COMDA in January. Executive Officer Wyant clarified that the consultants would be Subject Matter Experts only. The motion passed unanimously.

8. Proposed New Regulation – Approval of Ultrasonic Scaling Courses

Chair Wallace noted that the proposed regulation defined the requirements that Ultrasonic Scaling courses must meet for Board approval. Vice Chair Drury-Klein noted that this was seen at the last meeting and there were some concerns with the language regarding human subjects. She noted that this had been restated to eliminate the requirement that patients must be used. It was M/S (Drury-Klein/Gipson) to recommend the language to the Board and set a regulatory hearing.

Barbara Blade, The Dental Assisting Alliance, representing CDA, CADAT and RDAEF Associations, noted that since 1987, all approved courses have had a clinical patient component, and the number of hours required were based upon laboratory experience and clinical time. She felt that considering the removal of the clinical patient, a 6 hour course is quite extensive for this type of program, noting that COMDA might consider reducing the amount of required hours.

She also asked why the change in regulations is being considered at this point when in 2007 it will become a part of the RDA scope of practice and included in the educational process. Currently, Board-approved schools are not required to teach this as a part of their curriculum, but if they do so, a separate application is required. Vice Chair Drury-Klein noted that she would not have a problem with reducing the number of hours, and also noted that the sole purpose for these regulations is because there are no existing regulations for these courses which must be rectified even in view of the changes that SB1546 would bring. Blade noted that she was noting this for informational purposes, not advocating that the regulations not go forward.

Blade noted that there is a minimum number of hours required, but modules can vary depending on subject area. She felt that if you remove the patient experience, you could accomplish this within 4 hours. It was M/S/P (Hiroto/Drury-Klein) to reduce the number of hours to 4 in this section. It was M/S/P (Drury-Klein/Hiroto) to recommend that the Board set the regulation for hearing.

9. Proposed Changes to Title 16 CCR Section 1086 – RDAs Applying Pit and Fissure Sealants

Chair Wallace noted that since the passage of SB1546, RDAs are allowed to apply pit and fissure sealants in public health settings after completion of a Board-approved course. This is regulatory language to add the duty to Section 1086 to allow RDAs to perform this function in all settings. It was M/SP (Drury-Klein/Hiroto) to accept the proposed language. It was M/S/P (Drury-Klein/Gipson) to recommend that the Board set a hearing for these regulations.

JoAnn Galliano, CDHA, asked why this was not in SB1546 and why it is being added at this point. Executive Officer Wyant clarified that it was agreed by the bill's proponents to address this in regulation rather than make amendments in the late stages of the legislative process, which is the point at which the previous regulation that would have allowed this duty to be performed in all settings was withdrawn from the Department.

10. Implementation of SB 1546 (dental assisting scopes of practice)

Executive Officer Wyant noted that she had prepared a handout outlining actions that need to be taken to implement the new provisions of law. Member Savio asked what is the background on this bill. Chair Wallace noted that this bill that was negotiated over the past year between CDA and The Alliance.

Member Savio pointed out that duties are being removed from dental assistants. Barbara Blade, The Alliance, noted that when working on the bill, no duties were removed from dental assistants, or so they thought. She will go back and scrutinize the bill more carefully, noting that a great deal of time was spent in negotiation over this bill.

Member Savio asked if this means that someone who has been doing these functions for 20 years suddenly cannot do them. Chair Wallace noted that the law is changing everything, also giving RDAs and EFs many new functions. Executive Officer Wyant noted that if COMDA's agenda is not too full in January, perhaps a day can be devoted to these issues.

11. Proposal to Establish Licensure by Credential for Dental Assistants

Vice Chair Drury-Klein asked COMDA to allow her to pursue a legislative change for licensure by credential for RDAs with the same criteria for acceptance as is currently used for Registered Dental Hygienists, noting that currently statute allows this for dentists and hygienists, but not RDAs.

Member Hiroto asked if there is a shortage of dental assistants, or what would be the intent of this legislation. Vice Chair Drury-Klein noted that in the past there was not consistency in dental assisting across the country since there are so many levels and different categories of education. She would like to establish criteria that would allow some ability for out-of-state licensees to become licensed as RDAs. She noted that by the time Dr. Ariane Terlet of the Dental Board contacted Senator Aanestad regarding inclusion into the RDH licensure by credential bill, it was too late. Vice Chair Drury-Klein noted that if, for example, they have graduated from an ADA approved program and have received component instruction in coronal polishing and radiation safety, they would qualify if they had been licensed for a minimum of five years with no complaints.

Cathy Mudge, CDA, feels that it is not logical that someone who has equivalent education from another state should be prevented from practicing, noting that they would support further discussion of this issue. She added that the passage of SB 1546 complicates matters, but this is no reason not to go forward.

It was M/S/P (Drury-Klein/ Hiroto) moved to allow the Executive Officer of COMDA to work to establish proposed language and seek a legislative vehicle for licensure by credential for dental assistants. Lana Wright, CADAT, noted that it is a hardship for someone who is educated to come into this state and start all over again.

12. Establishment of Fee for Dental Students Applying for RDH Examination

Chair Wallace reported that the fee charged for the RDH exam is much less than actual expenses, but historically renewal fees over time cover these costs. She noted that in the case of dental students this cannot happen since they are not legally able to renew the license, and current RDH licentiates would be subsidizing the cost of the exam for dental students. She reported that several years ago when COMDA's program costs were reviewed, it was decided not to change the fee structure at that time, as a substantial increase in the cost would present a hardship to candidates or deter applicants.

She noted that the current estimated cost to administer the RDH exam is \$479 as can best be determined at this time, recommending that the fee should be established by Board resolution at \$475, plus a \$20 application fee. Member Savio felt that the fee should be the same for all those tested. Executive Officer Wyant noted that dental students would not pay renewal fees and the Legislature specifically removed the cap on exam fees only for dental students because of that reason.

Chair Wallace clarified that each time RDH licensees renew their licenses, those fees support the examination. Cathy Mudge, CDA, noted that whatever the actual exam costs were would not be opposed, adding that CDA is opposed to the current fee structure for RDH candidates, but willing to look at the methodology used to calculate the fee.

Executive Officer Wyant noted that the documentation is attached for the calculation, noting that the site, examiner and proctor costs are simple to calculate, however it is difficult to determine on a minute by minute basis how much time is spent by each staff person on a particular exam. She reported that it is much easier to track actual exam expenses, noting that the documentation used appears in the attachment.

It was M/S/P (Dale/Gipson) to recommend to the Dental Board that it establish by resolution the fee for dental students wishing to take the RDH examination at \$475. Member Savio felt that all fees should be reviewed. Executive Officer Wyant noted that she normally prepares a breakdown of the fee structure every two years or so for COMDA's consideration, and would place it on a COMDA agenda in the near future.

13. Proposed Changes to Title 16 CCR Section 1079.2 to Define Clinical Practice for purposes of RDHAP Licensure

JoAnn Galliano, CDHA, reported that with current language the practice of dental hygiene was interpreted as only private practice, which excludes anyone doing public health or educators. This new language would define clinical practice outside of a private practice, since currently neither educators nor hygienists in public health would be able to qualify for licensure under current language.

Cathy Mudge, CDA, noted that this is the first time she had seen the language, but would not want to see clinical practice to be restricted to private practice as long as sufficient hands-on patient care is required for public safety. Member Savio noted that it must be someone who is actually performing patient care, not simply an administrator. Galliano noted that the proposed language includes all those components to ensure that patient protection is addressed by this language.

It was M/S/P (Drury-Klein/Hiroto) to recommend that the Board set the regulation to hearing.

14. Review of Necessity/Desirability of RDHAP Prescription Requirement

Chair Wallace noted that COMDA at its August 2004 meeting had recommended to the Dental Board that legislation be pursued to eliminate the RDHAP Prescription, and the Dental Board agreed that this be pursued through the Board's Access to Care Committee. However, the Board subsequently decided that this issue be heard before the full Board on Friday, November 5. Chair Wallace noted that a full discussion of this issue will take place on Friday before the Board.

15. Agenda Items for Future Meetings

Executive Officer Wyant asked if the fee structure could be discussed at March or the Summer meeting. Barbara Blade asked if existing EF programs could implement the new procedures in 2006 so that individuals can complete that training prior to 2007, but not be tested until that time.

16. Election of Officers

It was M/S/P (Savio/Dale) to retain the existing 2004 officers for the year 2005. Chair Wallace thanked COMDA for the vote of confidence in its current officers.

17. Public Comment

None.

18. Adjournment

The meeting adjourned at 12:49 p.m.